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TERMINAL DISCLAIMER	<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DISAPPROVED
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Approved/Disapproved by:

Felicia D. Roberts

The TD lacks the enforceable only during the period of common ownership clause needed to overcome a double patenting Rule 321(c). (See FP 14.27.01).

The words "legal title" in the clause do not include common ownership as to equitable title required to be included by 37 CFR 1.321(c)(3) use of the words "commonly assigned."

(Note: 37 CFR 1.321(c)(3) requires that a TD "Include a provision that any patent granted on that application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the judicially created double patenting.")